

1808

Worcester

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Turnpike

This indenture made and concluded this twenty fourth day of October in the year of our Lord one thousand eight hundred & eight, by and between the inhabitants of the Town of Brookline in the County of Norfolk on the one part, and the Worcester Turnpike Corporation on the other part. Witnesseth.

That whereas the said inhabitants of said Town of Brookline at a Town meeting of the inhabitants of said Town, legally holden in ^{the} Town of Brookline, on the ninth day of March in the year of our Lord one thousand eight hundred & seven, made choice of Isaac S. Gardner Esq. Ebenezer Heath & Jonathan Hammond inhabitants of ^{the} Town to be a committee to agree in behalf of ^{the} Town, with the ^{the} Worcester Turnpike corporation, on what terms the town of Brookline would agree to discontinue the old road in ^{the} Town near ^{the} Turnpike between the points where ^{the} Turnpike meets the old Road, near the corner of Mr. Goddards land adjoining land owned by Elizabeth Partridge, east of the Brook and Bridge, and Ackers corner near land of the ^{the} Ebenezer Heath, and fully authorized & empowered ^{the} Committee to make and execute such contracts for that purpose in behalf of ^{the} Town as ^{the} Committee should think most proper with ^{the} Worcester Turnpike Corporation, and whereas the ^{the} Worcester Turnpike Corporation have now fully finished & completed according to Law, said Turnpike road between the two points of boundaries aforesaid viz. between Goddards corner & Ackers corner in ^{the} Town whereby the old road between those two points has become totally useless as a public highway provided the free use of ^{the} Turnpike road can at all times be enjoyed by the public as a common

highway without ever being subject to the payment of any toll for travelling therein And whereas the said Gardners Heath & Hammond have in behalf of S^t Town, and in consideration of the covenants & agreements, herein after mentioned by the said Corporation to be performed, petitioned the Hon. Court of Sessions of S^t County of Norfolk to discontinue & occlude the old road between the two points aforesaid in S^t Town.

Now the inhabitants of the S^t Town of Brookline hereby covenant & agree that they by their S^t commissioners will use all due diligence and legal measures to pursue said petition for the discontinuance of S^t old road aforesaid to final judgement and to obtain the Prayer thereof if possible the legal costs of Court for which purpose shall be paid of borne by T^t Corporation

And the S^t Worcester Turnpike Corporation hereby covenant & agree to, and with the inhabitants of S^t town of Brookline that they will at all times hereafter keep & maintain the S^t Turnpike road between the two points aforesaid in S^t Town in good, sufficient & complete repair forever, in all respects & in every part thereof. And the said Corporation hereby further covenant and agree that they never will at any time hereafter erect, or suffer to be erected any toll gate for the reception of toll or any other purpose on any part of S^t Turnpike road between the most ~~westerly~~ part of Goddards corner so called, where the S^t Turnpike intersects the old road aforesaid, adjoining said Goddards land ~~severnrode~~ east of the Brook of Bridge which crosses said Turnpike, of the most westerly part of Achern corner aforesaid and west of a small Bridge which crosses the S^t Turnpike at that place, adjoining